

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SHAWN L. WILLIAMS,
Plaintiff,

v.

ROBIN NYBERG, et al.,
Defendants.

C.A. No. 20-208 Erie

**District Judge Susan Paradise Baxter
Magistrate Judge Richard A. Lanzillo**

MEMORANDUM ORDER

Plaintiff Shawn Williams, a former inmate at the State Correctional Institution at Albion, Pennsylvania (“SCI-Albion”),¹ initiated this *pro se* civil rights action against multiple staff members at SCI-Albion, a number of whom have previously been terminated from this action. The remaining Defendants are Robin Nyberg, librarian; C/O Wagner; Deputy Superintendent Paul Ennis; CEVC Roscinski; Superintendent Michael C. Clark; Deputy Superintendent Brian Flinchbaugh; Lt. T. Anderson; and Major Christopher M. Meure. The claims against these Defendants are set forth in Plaintiff’s second amended complaint that was filed on June 11, 2021, which is the operative pleading in this case [ECF No. 72]. Plaintiff asserts a First Amendment retaliation claim against each of the Defendants, as well as a conspiracy to commit retaliation claim against all Defendants, arising from the termination of his prison job as chapel janitor and his subsequent transfer to a different correctional institution.

This matter was referred to United States Magistrate Judge Richard A. Lanzillo for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules

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Plaintiff is currently incarcerated at the State Correctional Institution at Houtzdale, Pennsylvania.

72.1.3 and 72.1.4 of the Local Rules for Magistrates. The case was subsequently assigned to the undersigned, as presiding judge, with Judge Lanzillo remaining as the referred Magistrate Judge for all pretrial proceedings.

Following discovery, Defendants filed a motion for summary judgment on September 19, 2022 [ECF No. 116], and Plaintiff filed a cross-motion for summary judgment on September 20, 2022 [ECF No. 120]. Both motions were fully briefed by the parties.

On May 10, 2023, Judge Lanzillo issued a Magistrate Judge's Report and Recommendation ("R&R") recommending that Defendants' motion for summary judgment be granted on all claims in this case, and that Plaintiff's cross-motion for summary judgment be denied. [ECF No. 155]. On June 6, 2023, Plaintiff filed timely objections to the R&R [ECF No. 159], in which he challenges the Judge Lanzillo's findings as "erroneous and contrary to law." In particular, Plaintiff asserts that the Magistrate Judge "repeatedly weighed the credibility of plaintiff's evidence," and that the R&R is "based on an improper analysis of the facts" (*Id.* at p. 3). These assertions are ill-founded. In fact, to a large extent, Plaintiff's objections essentially reiterate the same arguments raised in his previous documents filed with this Court, which were appropriately considered by the Magistrate Judge in reaching his well-reasoned conclusion that Plaintiff's retaliation claims are not adequately supported by the record evidence before the Court. In short, the Court agrees that Plaintiff's arguments, and the evidence upon which they are based, fail to present a genuine issue of material fact that would preclude the entry of summary judgment in favor of Defendants.

Thus, after *de novo* review of the complaint and documents in the case, together with the report and recommendation and objections thereto, the following order is entered:

AND NOW, this 19th day of July, 2023;

IT IS HEREBY ORDERED that Defendants' motion for summary judgment [ECF No. 116] is GRANTED, and judgment is entered in favor of Defendants and against Plaintiff on all claims in this case, while Plaintiff's cross-motion for summary judgment [ECF No. 120] is DENIED. The report and recommendation of Magistrate Judge Lanzillo, issued May 10, 2023 [ECF No. 155], is adopted as the opinion of the court.

The Clerk is directed to mark this case closed


SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Richard A. Lanzillo
U.S. Magistrate Judge